

**TERMINAL DISCLAIMER TO OBIVATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)
SVL920010052US2/IBMP009

In re Application of: Goode et al

Application No.: 10/824,902

Filed: 04/14/2004

For: Systems methods and computer program products to improve performance of ported applications, such as a database

The owner*, International Business Machines Corporation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term **prior patent** No. 7,113,937 B2 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later:

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- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
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- is reissued; or
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2. ☒ The undersigned is an attorney or agent of record. Reg. No. 48,587

Fredrik Mollborn
Signature

3/9/07
Date

Fredrik Mollborn
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303.459.4527
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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